

REMARKS

Applicant respectfully requests reconsideration and allowance of claims 1, and 3-20, which are pending in the above-identified application. Claims 1, 3-8, and 10-15 stand rejected. Claims 9 and 16-20 stand allowed. In view of the following discussion, Applicant submits that all pending claims are in condition for allowance.

Claim Rejections under 35 U.S.C. §102:

At page 3, the Examiner rejected claims 1, 3-8, and 10-15 under 35 U.S.C. § 102 (b), as being anticipated by Jaeger et al. (WO 97/12687). Applicant respectfully traverses this rejection.

Independent claims 1 and 7 recite that at least an outlet side of a nozzle includes at least one nozzle opening and an outer surface of the outlet side of the nozzle includes at least one of elevation and/or depression microstructures and/or nanostructures, which do not include the at least one nozzle opening. (Emphasis added.)

The Examiner has taken the position that Jaeger et al. allegedly discloses all types of microstructures located on the surfaces. Specifically, the Examiner alleges that the nozzles in the nozzle member, i.e., the nozzle outlets (the spraying apertures themselves) of the Jaeger et al. device, are elevation and/or depression microstructures because the nozzle outlets may run parallel or be inclined relative to one another. The Examiner further alleges that because Jaeger et al. states that the direction of the spray may be inclined, then Jaeger et al. inherently implies that there is elevation and/or depression microstructures and/or nanostructures. Applicant respectfully disagrees with the Examiner.

As maintained from Applicant's March 7, 2008 response, Jaeger et al. does not disclose or suggest elevation and/or depression microstructures and/or nanostructures, which do not include the at least one nozzle opening, as recited in independent claims 1 and 7 of the instant application. From page 10, lines 5-10, Jaeger et al. states that "[t]he directions of spraying of the nozzles in the nozzle member may run parallel to one another or may be inclined relative to one another. In a nozzle member having at least two nozzle openings at the outlet end, the directions of spray may be

inclined relative to one another...The directions of spraying meet in the vicinity of the nozzle openings.” (Emphasis added.) Indeed, Jaeger et al. teaches that the directions of jet spray may be inclined when the nozzle openings are inclined towards one another. As such, Jaeger et al. teaches that when the nozzle openings are inclined, and the nozzle openings create the incline of the direction of spray cited to by the Examiner. Furthermore, from page 10, lines 1-2, Jaeger et al. states that “[a]t the nozzle outlet end is at least one circular or non-circular opening less than or equal to 10 μ m in size.” (Emphasis added.) Indeed, Jaeger et al. only discloses or suggests that the at least one nozzle openings of the nozzle member at the outlet end are a microstructure. Jaeger et al. does not explicitly state or inherently imply that any other structures of the Jaeger et al. device are elevation and/or depression microstructures and/or nanostructures as claimed in independent claims 1 and 7 of the instant application.

In contrast, the elevations and/or depressions of the instant application are not a nozzle opening as recited in independent claims 1 and 7 of the instant application. As aforementioned, Jaeger et al. lacks any teachings of microstructures and/or nanostructures, let alone any teachings of elevation and/or depression microstructures and/or nanostructures, located on the surfaces as claimed in claims 1 and 7 of the instant application. According to Merriam-Webster’s Third New International dictionary (Unabridged), an ‘opening’ is “something that is open, a breach, [and an] aperture.” Indeed, nozzle openings, such as apertures running through the outlet side (e.g., channels, inlets, outlets, and other nozzle openings as taught by Jaeger et al.), are excluded from independent claims 1 and 7 of the instant application. As such, Jaeger et al. does not disclose or suggest the elevation and/or depression microstructures and/or nanostructures as claimed. As such, Applicant submits that independent claims 1 and 7 are, therefore, patentable.


As claims 3-6, 8, and 10-15 depend from independent claims 1 and 7, respectively, and recite additional patentable features, claims 3-6, 8, and 10-15 are, therefore, likewise patentable. Accordingly, Applicant submits that claims 1, 3-8 and 10-15 are in condition for allowance, and Applicant respectfully requests that the Examiner’s §102 rejections be withdrawn.

Conclusion:

Applicant therefore respectfully requests reconsideration and allowance in view of the above remarks and amendments. The fee for the RCE is included herewith. In the event there are any fees due and owing in connection with this matter, please charge same to our Deposit Account No. 11-0223.

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Respectfully submitted,

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